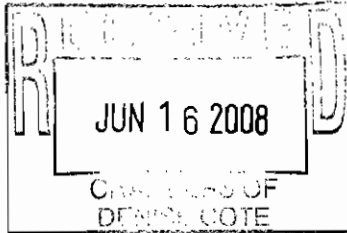


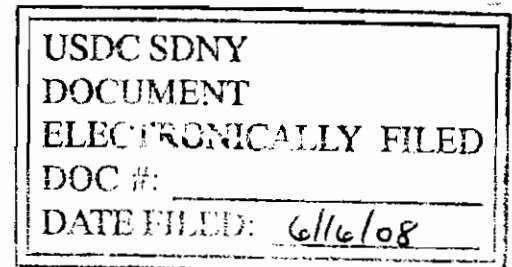
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June 13, 2008

VIA HAND DELIVERY

The Honorable Denise Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1040
New York, New York 10007

Dear Judge Cote:

The parties have agreed to hold their Rule 26 conference on June 24, the day after the Alcon defendants file their responsive pleadings and seventeen (17) days prior to the initial pretrial conference scheduled for July 11, 2008.

We interpret the Court's June 3, 2008 order to say that the parties' Rule 26 conference must take place prior to the hearing on July 11, 2008. We further believe that for the sake of efficiency, it makes most sense to hold the Rule 26 conference after the Alcon defendants' responsive pleadings are filed, because they will substantially inform the content of the parties' Rule 26 conference.

Plaintiff's dispute our interpretation of Rule 26 and the Judge's Order; as we understand it, plaintiff's position is that under Rule 26, the parties must meet on or before June 20 which is 21 days prior to the scheduled July 11 hearing. Plaintiff's counsel have agreed to meet on June 24, but have insisted that we write the Court to ensure that the Court has no objection to the parties meeting on June 24, 2008 rather than on or before June 20, 2008.

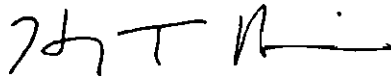
Please let us know if the Court has any concerns with respect to the parties holding their Rule 26 conference on June 24, 2008.

June 24 is approved
Denise Cote
June 16, 2008

June 13, 2008
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Thank you for your Honor's consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "H T Robins". The signature is fluid and cursive, with the first name "H T" and the last name "Robins" clearly distinguishable.

Harry T. Robins

c: Andrea Bierstein
Hanly Conroy Bierstein Sheridan
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